

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION

ARON HAWKINS, JR.

PETITIONER

V.

CAUSE NO. 3:22-CV-00084-NBB-JMV

STATE WARD RICE

RESPONDENT

ORDER TRANSFERRING CASE

On or about May 16, 2022, Aron Hawkins, Jr. filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging his conviction in the Panola County Circuit Court, Mississippi, for sexual battery of a child under the age of fourteen (14). Doc. #1. The petitioner has filed at least one unsuccessful § 2254 motion concerning the same conviction which he now seeks to challenge. *See Hawkins v. Rice, et al.*, 3:21-cv-00165-MPM-DAS (dismissed with prejudice as untimely filed); *Hawkins v. State, et al.*, 3:21-cv-00265-DMB-RP (dismissed without prejudice for failure to comply with a court order).

The Antiterrorism and Effective Death Penalty Act provides that before a district court may consider a second or successive petition, “the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application.” 28 U.S.C. § 2244(b)(3)(A). Hawkins has not obtained such authorization. Rather than dismissing his petition on this basis, the Fifth Circuit has allowed district courts to transfer the petition for consideration pursuant to 28 U.S.C. § 2244(a) and (b)(3)(C). *See In re Epps*, 127 F.3d 364, 365 (5th Cir. 1997).

Therefore, in the interest of justice and judicial economy, it is hereby **ORDERED**:

1. That this petition is **TRANSFERRED** to the Fifth Circuit Court of Appeals for the petitioner to seek permission to file this successive § 2254 petition;

2. That the Clerk of Court is directed to transfer this petition and the entire record to the Fifth Circuit Court of Appeals in accordance with 28 U.S.C. § 2244(a) and (b)(3)(C), and *In re Epps*, 127 F.3d at 365; and

3. That this case is **CLOSED**.

This, the 28th day of June, 2022.

/s/ Neal Biggers
NEAL B. BIGGERS, JR.
UNITED STATES DISTRICT JUDGE